

**JUSTICE ASSISTANCE GRANT (JAG)
SUBSTANCE ABUSE OFFENDER TREATMENT PROGRAM (OTP)
FY 2009/10
FREQUENTLY ASKED QUESTIONS (FAQ's)**

Financial and Project Activity Reporting

1. The Recipient handbook states that reports are due 30 days after close of quarter. While the Special Conditions form says 10 days, is this another report?

- Yes, the special conditions form is referring to the Office of Management and Budget (OMB) Report which states no later than 10 days after the end of each calendar quarter. OMB requires prime recipients California Emergency Management Agency (Cal EMA) to report quarterly data within 10 days of the end of each quarter.

In order for Cal EMA to gather the required OMB-specific data from the field and report through California's centralized reporting system, the following reporting periods and due dates were developed:

Quarterly Reporting Period – OMB Required Data	Date Report Due to Cal EMA
September 1 - November 30	December 15
December 1 - February 28	March 15
March 1 - May 31	June 15
June 1 - August 30	September 15

Bureau Justice Assistance (BJA) requires prime recipients Cal EMA to report quarterly data within 30 days of the end of each quarter. Therefore, Cal EMA will be delegating reporting responsibility. Cal EMA will issue each agency a user ID and password which will allow for direct reporting of Justice Assistance GRANT (JAG) performance measures in BJA's Performance Measurement Tool (PMT).

In order for Cal EMA to review and approve agency PMT reports, and submit a cumulative report to BJA, the following reporting periods and due dates were developed:

BJA Performance Measure Reporting Schedule		
Reporting Period	Type of Data Required	PMT Due Date
July 1 – September 30	Program Performance Measures and Narrative	October 15
October 1 – December 31	Program Performance Measures	January 15
January 1 – March 31	Program Performance Measures	April 15
April 1 – June 30	Program Performance Measures	July 15

- 2. The Request for Application (RFA) gives different reporting dates: Dec. 15 for the OMB reporting period; and Jan. 15 for the JAG program performance measurement reporting. Is there a way to reconcile these so we have a single reporting period, rather than having to prepare two reports a month apart?**
 - No, these are federal reporting guidelines and cannot be amended at this time.
- 3. Page 14, Federal Funding Accountability and Transparency Act (FFATA) requirements: Is that signage (like the road construction signs you see on the highway: "This project is funded by the American Recovery and Reinvestment Act")? Does this apply to the county, or to CalEMA?**
 - No. The Governor's Office has certified that California is a centralized reporting state for compliance with the Office of Management and Budget (OMB) reporting requirements. Therefore, all reporting data collected from Recovery JAG recipients by Cal EMA is reported to OMB through the California Recovery Task Force. The California Recovery Task Force is responsible for maintaining a single searchable website accessible by the public. The website can be reached at www.Recovery.ca.gov
- 4. Section 1512(c) reporting of job created/retained: Can you positively confirm that this report is due directly to the <https://www.federalreporting.gov/federalreporting/home.do> at 10 calendar days at the end of each calendar quarter? For example, the next report is due to FederalReporting.gov on Jan 10, 2010 for the period from Oct 1 to Dec 30. This would also mean that we're the direct recipient of this program, not your sub-recipient.**
 - No, this is a requirement of Cal EMA only.
- 5. Are counties required to enter the performance report directly to the <https://www.bjaperformancetools.org/> at 15 days after the end of each calendar quarter? The next report is due on Jan 15, 2010 for the period Oct 1, 2009 to December 31, 2009.**
 - Yes, the JAG - OTP recipient counties must enter the performance report directly to the BJA reporting website.
- 6. What are the due dates and data elements of the Cal EMA report above the BJA performance measures?**
 - The standard reporting requirement that is due to Cal EMA is a three month Narrative report and a six month Statistic report. The data reported should be a reflection of the objectives stated in the application. These Progress Report forms will be distributed at a later date.

7. In the RFA there are many proposed performance measure items by activity. What is unclear is whether we need to choose from them in our application as measures we will be using in evaluating our funds. Or can we make our own, different from any that are suggested, or is it both?

- Yes you may use your own performance measures to evaluate the effectiveness of your program. However, you must still report on the required performance measures.

8. Page 13 – Regarding Government Performance and Results Act (GPRA) Measures, can you provide some further clarification on how to report GPRA information?

- This requirement is consistent with current Cal EMA policies and procedures that require all recipients to keep accurate records as source documentation to support information provided in progress reports. For further information, please refer to Cal EMA's Recipient Handbook, Section 10100, at:
[http://www.oes.ca.gov/WebPage/oeswebsite.nsf/PDF/2009%20CalEMA%20Recipient%20Handbook/\\$file/2009-Recipient-Handbook.pdf](http://www.oes.ca.gov/WebPage/oeswebsite.nsf/PDF/2009%20CalEMA%20Recipient%20Handbook/$file/2009-Recipient-Handbook.pdf).

Budget Funding Categories and Policy

9. Pages 8 and 9 of Part I Section F: Reporting Jobs Data: Does the maintenance of auditable documentation include budget comparisons, formal lay-off reports, minutes of budgetary meetings, timecards AND employee activity reports; or is one of these types of documentation considered sufficient for audit purposes?

- Part I, Section F, of the RFA/Request for Proposal (RFP) provides a list of recommended types of documentation to support your jobs data that was developed at the federal level. Although Cal EMA will be hosting training in early 2010 specifically addressing reporting requirements, recipients should consult with their individual personnel departments to determine what/how much documentation is considered sufficient for audit purposes to support jobs data.

10. For county-operated services, is funding allowed? How does it work for county employees planned to be paid through the grant in FY 10/11? We don't have documentation that jobs will be lost in the future.

- Yes, funding is allowed for county operated services. However, funds can only be budgeted for new jobs or potentially lost jobs after the date other funding has expired.

11. The budget template will need to be accessed on the website as it was not included in the application? Am I reading this correctly that I would need to submit two budgets, one if the grant is not approved and the job losses that would follow, and one with the JAG included?

- Access to the budget forms is located in the RFA under Attachment A – Application Forms. These forms are linked to the actual form you will need to use for this application. There should only be one budget submitted per application.

12. The budgeting for Administrative Costs (5 or 10%) is not clear...can we or can't we? It states it's up to CalEMA.

- The budgeting for Administrative costs of 5% or 10% applies to indirect cost and not to Direct Administration costs, see Section 2220 of the Recipient Handbook. The applicant can budget for both direct administrative costs and indirect costs as long as they are not duplicated. Cal EMA may restrict direct administrative costs if they are deemed excessive.

13. It seems as if JAGR funds can be used to pay for overtime activities related to OTP for “created, retained, or other positions”. If county staff not funded with JAG have to work overtime for this program, can a Recipient pay for their overtime with JAG? For example, fiscal staff will have to prepare reports and invoices and may have to work overtime to do that.

- No, JAGR funds does not allow overtime for Administrative positions.

14. If there are no layoffs in FY 2009/10 (based on an agreement with our Union) but are anticipating them in 2010/11. Can a Recipient apply for funds for county staff we anticipate may be at risk in spring?

- Yes, same as above, you can budget for those costs as anticipated costs. However, you cannot incur the costs until you have proper documentation.

15. Per JAG-OTP RFA - All applicants must budget for a minimum of one Cal EMA sponsored training session during the grant year. Applicants must also include sufficient per diem and travel allocations for a minimum of two project staff from each participating agency (to) must attend each training conference. Are there any requirements/restrictions on who can or should attend? Where is this training, and for how long?

- The day-to-day fiscal Manager and Project Director from Implementing Agencies should attend.

16. Is there more than one funding source?

- No, there is only one funding source, which is JAGR

17. Is there a match required?

- No there is no match required for the JAG-OTP.

18. Are the JAG-OTP funds only for offenders under PC 1210 or PC 3063.1 as specified in the November 9, 2009 State Alcohol and Drug Program letter on allowable OTP expenditures?

- Yes, Cal EMA defers to California Department of Alcohol and Drug Programs (ADP) for allowable OTP expenses unless otherwise restricted by the Cal EMA handbook or the JAG Recovery Act requirements.

19. Can we bring back an employee (1 FTE) and account for their cost with JAG if they do other duties in addition to JAG-OTP? (The idea of the grant is to retain staff, but I am not sure if I have enough for an Office Assistant to do nothing but JAG).

- Yes, an employee can be rehired along with creating new jobs. However if there are insufficient duties for the position a functional timesheet for all services provided under JAG will be required to show time spent on JAG activities. (I.e. if employee only works 50% on JAG-OTP then 50% of salary can be budgeted to the grant and timesheets will show 50% time spent on JAG and 50% on other activities).

20. Does the county have to issue pink slips or actually go through the lay off or rehire process?

- No, the recipient must provide a copy of the documentation reflecting that the position would have been lost without this funding.

21. Page 3, Part I Section E: Funds and page 19, Part II, Section C: Project Budget References are made to '*...must budget funds for an 18-month grant period...*' and '*...budget must cover the entire grant period.*' We read this to mean that these funds are to be budgeted to support services over the whole period. Is that correct? Must the JAG dollars be spent over the 18 month period and cannot expended sooner?

- The Recipient must budget for the JAGR funds for an 18-month performance period. However, the Recipient can modify and close out the Grant if funds are fully expended prior to March 31, 2009.

22. Cover Page vs. Page 22 – There seems to be a disparity between being able to incur costs as of 10/1/09 on cover, vs. language in RFA that we can't incur costs prior to grant agreement (page 22).

- Recipients can incur costs at their own risk before their grant is in award. Once grants are awarded the recipient can claim reimbursement back to October 1, 2009.

23. Is the purchase of incentives an allowable expense?

- Yes, the purchase of incentives is an allowable expense for the OTP reward program.

24. Is the purchase of food for a graduation ceremony an allowable expense under JAG funds?

- No, food or beverages are not allowable expenses under JAG – OTP.

25. Software Application (CMS). Both Probation and ADP use the CMS software application to track and report treatment of offenders. Our Information Technology Services department charges us about \$7,000/year for maintenance of this software application. Is this a cost that can be claimed under this grant?

- Yes, this should be budgeted as a separate line item, or included in indirect costs.

26. As we are including the purchase of software and support in our budget under the "Equipment" category? Should we subtract the total amount we have budgeted for software and support or only the amount for the software?

- Equipment is defined as nonexpendable property with the unit price of \$5000 or more. If the unit price of the software is less than this amount then please budget under operating expense. Please refer to section 2300 of the Recipient Handbook.

27. Can funds be used for medication?

- No, JAG-OTP funding can not be used for any medication.

28. Can JAG-OTP funds be used to purchase drug testing supplies or to conduct random drug testing?

- No, JAG-OTP funds are not to be used to purchase drug testing supplies or to conduct random drug testing of clients.

Programmatic, Guidelines and Goals

29. Supplanting. When working on an OTP/JAG application and there is a question regarding the provisions for no supplantation. For example, Ventura Co. had a program providing drug treatment and probation supervision under the funding of Proposition 36 (SACPA). That funding has gone and a program is unfunded. Were it not for the OTP/JAG program, these services and positions would be eliminated. As there is no local or state funding being received, is reinstating this program under an OTP/JAG grant would be permissible, as it is not supplanting any existing funding?

- Yes, reinstating the program under JAG - OTP is permissible.

30. Is the documentation of jobs and jobs saved required for contractors?

- At this time Recipients will only be required to report on jobs created or saved within the implementing agency, and must have source documentation to support these reports. However, this standard may change, and Recipients are advised to obtain source documentation on jobs created or saved by participating agencies.

31. Page 9, Recommended Documentation:

Do these standards apply to our Contracted providers or county positions only?

- The recommended documentation standards should be applied to the county positions.

32. The attachments and forms refer to the Substance Abuse Offender Treatment Program so would it be safe to assume that we can expand upon our already-approved OTP plan that we have with the State?

- Yes, The JAGR funds can be used to add or enhance services provided through an existing OTP Plan.

33. Regarding the Goals on page 16, item 2(a): Do all four goals need to be addressed? If yes, since there is an overlap in the activities and objectives can they be combined?

- Yes, the objectives and activities can be combined, but the four goals must be addressed.

34. How the Recipient enumerates goals such as” Enhance Treatment services”?

- The Recipient should enumerate the objectives to meet the goals as illustrated in the sample within the RFA.

35. On page 5, in the *Registration* section, the recipient is required to obtain a Data Universal Numbering System (DUNS) number and register with Central Contractor Registration (CCR). Many counties already have multiple DUNS numbers (i.e. for various departments). Which number should the county use?

- The applicant is required to use the DUNS number assigned to the implementing agency. For example, if the implementing agency is the Probation Department, then the Probation Department’s DUNS number is provided on the Certification of Assurance of Compliance form.

36. The application requires Certification of Assurance of Compliance forms to be included (CAL EMA 2-104j). However, in the forms portion of the online form data base there are many varieties of these, CALEMA 2-104 a-e or f. Which for should the Recipient complete?

- The Certification of Assurance form (Cal EMA 2-104j) is available on the forms page of the RFA. Click on the link and it will take you to the form.

37. Is Form Cal EMA 2-104j – Certification of Assurance of Compliance, required to be completed by County agency or is there an exemption?

- Form Cal EMA 2-104j – Certification of Assurance Compliance is a requirement that must be completed by the county there is no exemption. The county Chair of Board of Supervisors, County Manager or Fiscal Officer should complete this form.

38. If an applicant is not able to include the “Certification of Assurance of Compliance” with the application, can the applicant submit the Cal EMA application (in order to meet our December 21, 2009 extended deadline) and let the “Certification” document trail until January? If so, is there some explanation I need to provide for that, or a document to complete to explain it?

- Yes, the applicant can submit the application without the Certification of Assurance of Compliance (Form Cal EMA 2-104j). However, Cal EMA will have to Special Condition the grant award agreement to prohibit reimbursement for any expenses until the signed Certification of Assurance of Compliance is received. Once received, the Recipient can request reimbursement for all grant related expenses incurred as of the start date on the grant award agreement.

39. Is it necessary in the application to include the “Out of State Travel Request” (Cal EMA 158)?

- The Form Cal EMA 158 – Out of State Travel Request - should be completed only if you are going to have out of state travel. If there will not be any out of state travel then this form is not necessary.

40. Is the Board of Supervisors required to submit the county application?

- No, the Board of Supervisors is responsible for signing the Certification of Assurance not the submitting application.

41. What funding sources should we select on the Grant Award Face Sheet?

- The correct funding source is not on the forms menu. Please type in JAGR.

42. Is it a requirement to complete both the Project Narrative and Project Summary?

- Yes, both the Project Narrative and Project Summary forms must be completed when submitting an application.

43. The Project Narrative and Project Summary forms are blank documents without templates or headings, Is that correct?

- Yes, the Project Narrative (Cal EMA 2-108) and Project Summary (Cal EMA 2-150) forms are blank documents already formatted with fonts and margins for your use.

44. Should the Recipient frame the grant for existing or new OTP services?

- No, the Recipient should not frame the grant for existing services. The grant application should be completed as a new program under JAG-OTP. The new program may enhance your current program, but should be presented separately in the JAG-OTP application.

45. Can a Recipient modify or amend the project strategy after the grant is finalized?

- Yes, as long as the change in strategy does not change the goals and objectives, you can submit a Grant Award Modification Form (Cal EMA 2-223) along with an updated Project Summary and Project Narrative later if the strategy changes. If adding a new line item or changing any funds to the existing budget pages these will need to be included along with the Cal EMA 2-223 form.

46. The JAG-OTP RFA asks for “local jurisdiction”. Not sure what this means. We will use funds for any resident of our county sentenced under PC1210. Our provider agencies (CBOs) are located throughout the county.

- The jurisdiction is the county applying for JAGR funds.

47. When listing federal grants/funding received, Should the Recipient list only those federal monies that are only for Drug and Alcohol, or do list all of the federal grants/funding received by all of the Divisions?

- List all Federal funds received by the Recipient Agency

Operational Agreements (OAs)

48. Is there a specific format necessary for the Operational Agreements?

- No, the RFA provides a sample of the Operational Agreement format. Please go to page 19 within the RFA and click on the Operational Agreement link. However, that is merely a sample applicants can use any format they choose.

49. Can a county use the standard MOU format they already use for inter county department agreements?

- Yes, the current standard MOU format used by counties will be sufficient for this application as long as all elements required by Cal EMA are contained. (i.e. Specific Method of Payment).

**50. Regarding Operational Agreements:
We have 15 contracts with 11 providers. DBH’s Contracts Unit has all the elements required in Operational Agreements. However, each contract is approximately 50 pages in length. How should we proceed? Would one copy (example) of a contract work for the Proof of OA?**

- For multiple Operational Agreements, the Operational Agreement Summary Form (Cal EMA 2-160) will be required. The OA’s with original signature should be held by implementing agency and made available upon request.

51. Section 2161 of the Recipient Handbook provides CBO requirements to have a Fidelity Bond or equivalent employee dishonesty insurance contract. Is this for contractors that we will fund through the Operational Agreements?

- No, the requirement to have a Fidelity Bond or equivalent employee dishonesty insurance contract only applies IF A CBO is the implementing agency.

Contracts and Procurements

52. If a county has any contract with an independent contractor for greater than \$50K for entire agency operations (i.e. an IT contractor), is this required to be reported if the cost of that contract allocated to the JAG dollars does not exceed the \$50K?

- Yes, please refer to Section 3000 within the Recipient Handbook for further guidance pertaining to independent contractors.

53. If planning to blend 15 contracts into one overall budget and program. Is this appropriate, or do we need to have separate program descriptions and budgets?

- Yes, it is appropriate to blend 15 contracts into one overall budget and program. The budget should reflect the 15 contracts and the contracted agencies should be listed on the operational agreement summary form.

54. Is it necessary in the application to include the “Noncompetitive Bid Request Form (Cal EMA 2-156)?

- The Cal EMA Form 2-156 – Noncompetitive Bid Request Form should only be completed if contracting for a sole source contract. This is not required for Operational Agreements; please refer to Sections 3000 and 4000 of the Recipient Handbook.

55. Will the County be required to seek noncompetitive bid approval from Cal EMA for Operational Agreements with participating agencies?

- No, the county will not be required to seek noncompetitive bid approval from Cal EMA for these are not contracts they are Operational Agreements. Please refer to Section 4000 in the Recipient Handbook.

56. Counties use the RFA process to request the JAG program funds from Cal – EMA. What about the service providers that counties contract with to provide program services? Is there anything in the RFA requiring counties to use a similar RFA process to offer the JAG program funds that it receives from Cal EMA to its services providers?

- No, Counties can use any process they want to choose any government or non-profit CBO provider that they want to use under an Operational Agreement, in accordance with Section 4000 of the Recipient Handbook. If they are using a private professional or commercial vendor to provide a service, then they have to follow the procurement rules for contracting under Section 3000 of the Recipient Handbook.

Reimbursement Process and Depositing of Funds

57. Could you please clarify where the reimbursement of JAG expenditures need to go? Does it need to go into a trust? Can a Recipient move the funds from a trust into a revenue account; or should the funds be set up a new revenue account that will only hold JAG funds?

- Recipient agencies should deposit the reimbursement into a reimbursement account and track by using the name JAG - OTP.

58. If JAG funds are deposited into departments' Alcohol & Drug budgets but tracked separately with a program code, will this meet the requirement that we not commingle funds? Is this applicable as it appears that counties are reimbursed for services?

- This is not applicable. JAGR funds are not provided in advance for deposit into department's budgets. Expenses are reimbursed on a quarterly basis. The JAGR funds will need to be tracked separately and they are not to be commingled.